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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,442	08/16/2001	Shigeharu Ushiwata	Q65849	2523

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/930,442	<b>Applicant(s)</b> USHIWATA ET AL.	
	<b>Examiner</b> Omar Flores-Sánchez	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3, 10, 11, 23, 24, 35, 38-40 and 53-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23, 24 and 35 is/are allowed.
- 6) ☒ Claim(s) 3, 10, 11, 38-40, 53-61, 63-70 and 72-78 is/are rejected.
- 7) ☒ Claim(s) 62 and 71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/29/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's amendment received on 12/21/05.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 10, 11, 38-40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosten et al. (5,285,708) in view of Smith (5,038,481) and Stone (3,787,693).

Bosten et al. discloses (Fig. 1-5) the invention substantially as claimed including a base 16, a holder 24, a cutter blade portion 28, a laser generator (Fig.2) emitting laser light, said laser light travels in a direction intersecting the rotation axis of the blade when said blade is in the lower position, a laser generator support member 100, means for moving the light emitting portion 90, a resilient body 126, a horizontal/frontward and rearward directions, and first and second stop members (inside walls 48). Bosten et al. does not show at least a portion of the laser light onto a position to be cut on the workpiece so that laser light *is directly* beneath the rotatable circular saw blade, and an entire width of the laser light on the workpiece is *locatable within a space* defined by a locus of the width of the blade edge; a screw member and a resilient member. However, Smith teaches the use of lens 48 having light beam directed towards the saw blade and focusing *on a cut line* 62 (which is *directly* beneath the saw blade, and *locatable*

Art Unit: 3724

*within a space* defined by a locus of the width of the blade edge) for the purpose of eliminating all possibility for errors caused by parallax, and permitting a very accurate cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the laser of Bosten et al. by providing the same condition disclosed above as taught by Smith in order to obtain a device that eliminates all possibility for errors caused by parallax, and permits a very accurate cut.

Regarding a screw member and a resilient member, Stone teaches the use of first and second stop members/screws 50 abutting the first side and a resilient member/body (see Fig. 2, col. 2, lines 55-57) interposed between the laser generator support member and the second side for the purpose of better alignment of the diode. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the laser of Bosten et al. by providing first and second stop screws as taught by Stone in order to obtain a device that better aligns the laser generator.

4. Claims 53, 54, 59, 61, 63, 68, 70, 72 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreign patent no. JP 6-701 in view of Bosten et al. (5,285,708) and Smith (5,038,481).

JP 6-701 discloses (Fig. 1-6) the invention substantially as claimed including a base 1, a holder 4 and a cutter blade portion 12. JP 6-701 does not a laser generator emitting laser light. However, Bosten et al. teaches the use of a laser generator emitting laser light and means for moving the light emitting portion 90 for the purpose of projecting a line of guidance for cutting the workpiece. It would have been obvious to one having ordinary skill in the art at the time the

Art Unit: 3724

invention was made to have modified the lamp of JP 6-701 by providing the laser generator and means for moving the light emitting portion as taught by Bosten et al. in order to obtain a device that provides a finite line of guidance for cutting for the aging person such light would illuminate the workpiece and the cutter at the location of cutting.

However, Bosten et al. does not show at least a portion of the laser light onto a position to be cut on the workpiece so that laser light *is directly* beneath the rotatable circular saw blade.

However, Smith teaches the use of lens 48 having light beam directed towards the saw blade and focusing *on a cut line* 62 (which is *directly* beneath the saw blade, and *locatable within a space* defined by a locus of the width of the blade edge) for the purpose of eliminating all possibility for errors caused by parallax, and permitting a very accurate cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of JP 6-701 by providing the same condition disclosed above as taught by Smith in order to obtain a device that eliminates all possibility for errors caused by parallax, and permits a very accurate cut.

5. Claims 55-58, 64-67 and 73-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreign patent no. JP 6-701, Bosten et al. (5,285,708) and Smith (5,038,481) as applied to claims 53-54 above, and further in view of Stone (3,787,693).

The modified device of JP 6-701 discloses the invention substantially as claimed except for a screw member and a resilient member. However, Stone teaches the use of first and second stop members/screws 50 abutting the first side and a resilient member/body (see Fig. 2, col. 2, lines 55-57) interposed between the laser generator support member and the second side for the

Art Unit: 3724

purpose of better alignment of the diode. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of JP 6-701 by providing first and second stop screws as taught by Stone in order to obtain a device that better aligns the laser generator.

6. Claims 60, 69 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreign patent no. JP 6-701, Bosten et al. (5,285,708) and Smith (5,038,481) as applied to claim 53 above, and further in Sato et al. (5,060,548).

The modified device of JP 6-701 discloses (Fig. 1-5) the invention substantially as claimed except for a slide shaft support portion, a slide shaft and a hinge holder. However, Sato et al. teaches the use of a slide shaft support portion 7, a slide shaft 11 and a hinge holder 9 for the purpose of cutting wide material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of JP 6-701 by providing the slide shaft support portion, the slide shaft and the hinge holder as taught by Sato et al. in order to obtain a device that cuts wide material.

***Allowable Subject Matter***

7. Claims 23, 24 and 35 are allowed.

8. Claims 62 and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The Stone reference came to the Examiner's attention via an IDS submitted by applicant in child application (11/357,097), after the first Office Action in the instant application. In view of thereof, the claims indicated as allowable are now rejected, and the Office Action is made final in accordance with MPEP 706.07 (a) and CFR 7.39. Also, the same apply for JP 6-701, which came to the examiner's attention via an IDS submitted in the instant application after the first Office Action.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/19/06



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